



2FW/DAE

**In The United States Patent and Trademark Office**

Appn. Number: 10/804,499

Appn Filed: 2004, March 19

Applicant: Keith Cangiarella

Title: Novelty message kit

Examiner/GAU: Gregory Pickett/3728

April 23, 2007

**Petition to reset a period of Response**

Mail Stop - Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Dear Commissioner,

Applicant hereby humbly petitions the Commissioner to reset period of response to reply to the office action mailed on November 13<sup>th</sup>, 2006, for the above patent application.

Applicant states the following reasons for resetting response period;

1. The applicant relies solely on the United States Postal Service to deliver Office Actions from the United States Patent Office. The Office Action(OA) mailed on November 13<sup>th</sup> was not received. The Applicant after hearing nothing from the USPTO for more than three months, took it upon himself to check the records of the USPTO at the USPTO website, in April 2007, the applicant was surprised to see an OA was mailed on November 13<sup>th</sup>, and the applicant never did receive it. The applicant, whom is acting pro se, contacted the Examiner, whom advised him to file this petition.
2. The Applicant contacted the United States Postal Service to advise them an important piece of mail was not delivered. See Exhibit A, and see page 2 of Exhibit A highlighted sentence – US Postal Service – “I also understand that there is a misdelivery problem in your area”

3. Exhibit 2 shows the applicant has always filed a timely response all office actions received via the US postal service.

The applicant has downloaded the office action dated Nov 13<sup>th</sup>, 2006 and has sent the response to this office action with this petition so no further delays are necessary.

The Applicant will add to his list of things to do monthly to check on the applicant's applications via the USPTO's website so this will not happen again(that so long as the USPTO website does not have any technical issues itself). The applicant prays the Commissioner will reset time to reply and accept reply sent with this petition.

Very respectfully,

  
Keith Cangiarella

-----Applicant Pro Se-----

331 N. Harrington Drive  
Fullerton, CA. 92831  
Tel. (714)441-3442 (714)464-4112 fax

April 23, 2007

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Dear USPS, I recently discovered that an important letter from the Unit...

Exhibit A

**Subject:** Dear USPS, I recently discovered that an important letter from the United Sta... [Incident: 070416-001682]

**From:** "Support@USPS" <uspshelpdesk@spemail.esecurecare.net>

**Date:** Fri, 20 Apr 2007 07:00:05 -0600 (MDT)

**To:** 1mib@dreamweaverstudios.com

Subject

-----  
Dear USPS, I recently discovered that an important letter from the United Sta...

Discussion Thread

-----  
Response (Jewel H) - 04/20/2007 07:00 AM

Dear KEITH CANGIARELLA,

Thank you for responding with the requested information.

I am sending this information to your Post Office™ for immediate attention. If you need to contact me again regarding this issue, please refer to the following confirmation number: CO31548890.

If I can be of assistance to you in the future, please don't hesitate to contact me.

Thank you for choosing the United States Postal Service®.

Regards,

Jewel H

Customer (KEITH CANGIARELLA) - 04/19/2007 01:56 PM

The info you requested and thank you for your reply

- Your home telephone number 714-525-8056
- Full name of the sender - United States Patent and Trademark Office
- Address of the sender - P.O. Box 1450 Alexandria, VA. 22313
- Full name of the recipient - Keith Cangiarella
- Address of the recipient - 331 N. Harrington Dr Fullerton, CA. 92831
- Type of mail - (letter)
- Class of mail (First Class Mail®)

- Time and date the mail item was sent - 11/13/2006
- Contents of the mail item and value - two pages cover sheet and patent corrections sheet
- Whether you would like to receive a call regarding this issue (There is no guarantee that further information can be provided via email.) No telephone call necessary spoke to local postal supervisor whom advised that this was a postal training route - but we never received anything to advise that this was no longer a postal training route. If an email can be sent great.

Keith Cangiarella

Response (Jewel H) - 04/19/2007 11:52 AM

Dear KEITH CANGIARELLA,

Thank you for contacting us regarding your mail item. I understand that you did not get a mail piece from the United States Patent Office.

You would like for us to provide information that you did not get your mail piece.

I do apologize you did not get your mail piece, but we do not keep a record of who gets what.

Due to the large volume of mail, it is impossible to trace a single piece of regular mail. We are unable to track an item based on the name and delivery address.

Dear USPS, I recently discovered that an important letter from the Unit...

I also understand that there is a misdelivery problem your area.

We will document this issue if your item has not been received within 14 Postal business days. However, I need some additional information so this can be sent to the correct office and you can be contacted. Please reply to this email with the following information:

- Your home telephone number
- Full name of the sender
- Address of the sender
- Full name of the recipient
- Address of the recipient
- Type of mail (letter, large envelope, package, large package, or unknown)
- Class of mail (Express Mail®, First Class Mail®, international, military, Periodicals, Priority Mail® Bulk Mail, Parcel Post®, Media Mail®, or mixed class)
- Services added (Certified Mail™, Registered Mail™, Return Receipt, Merchandise, Insured, C.O.D., Signature Confirmation™, and/or Delivery Confirmation™)
- Label number
- Location the mail item was sent from (sender's residence, other residence / business, Post Office™ ZIP Code™, Collection Box®, or unknown)
- Time and date the mail item was sent
- Contents of the mail item and value
- Whether you would like to receive a call regarding this issue (There is no guarantee that further information can be provided via email.)
- If you suspect foul play:
  - Do you know who was involved?
  - Do you know the name(s) of whom you suspect?
  - Was it a Postal employee?
  - Do you have a description?

If I can be of assistance to you in the future, please don't hesitate to contact me.

Thank you for choosing the United States Postal Service®.

Regards,

Jewel H

Customer (KEITH CANGIARELLA) - 04/16/2007 11:43 AM

Dear USPS,

I recently discovered that an important letter from the United States Patent and Trademark office was never delivered to my address nor was it returned to the United States Patent Office. I now have to submit a Petition to revive my application, I am hoping you maybe able to advise if there is anyway to prove I did not receive it? I work from home and notice that I have an average of three to four different mail carriers per week in my neighborhood. I have received numerous times other peoples mail and always either walked it up the street or simply put wrong address and put back into outgoing mail from my home.

Is there any help you can offer me, I may be looking at a \$1000 penalty due to this oversite, I rely on the US postal service to deliver these important documents, but it would appear I may have to rely more on the updates via the world wide web for now on.

Your help time and expertise greatly appreciated.

Keith C  
DWS

As our customer, your privacy is important to us. Please see our privacy policy at [www.usps.com](http://www.usps.com)

-[---001:004082:04809---]

Exhibit 2



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10/804,499 Novelty message kit

Select New Case	Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Address & Attorney/Agent
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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and Start Download.

## Available Documents

Mail Room Date	Document Description	Page Count	Select All	Start Download
11-13-2006	Notice to the applicant regarding a Non-Compliant Amendment	2	<input type="checkbox"/>	
11-13-2006	Notice to the applicant regarding a Non-Compliant Amendment	2	<input type="checkbox"/>	
11-01-2006	Specification	2	<input type="checkbox"/>	
11-01-2006	Informal or Non-Responsive Amendment	1	<input type="checkbox"/>	
11-01-2006	Claims	1	<input type="checkbox"/>	
11-01-2006	Applicant Arguments/Remarks Made in an Amendment	2	<input type="checkbox"/>	
11-01-2006	Abstract	1	<input type="checkbox"/>	
10-02-2006	Requirement for Restriction/Election	5	<input type="checkbox"/>	
07-12-2006	Transmittal to TC	12	<input type="checkbox"/>	
07-12-2006	Specification	2	<input type="checkbox"/>	
07-12-2006	Fee Worksheet (PTO-06)	1	<input type="checkbox"/>	
07-12-2006	Claims	1	<input type="checkbox"/>	
07-12-2006	Applicant Arguments/Remarks Made in an Amendment	2	<input type="checkbox"/>	
07-12-2006	Amendment - After Non-Final Rejection	1	<input type="checkbox"/>	
06-27-2006	Notice to the applicant regarding a Non-Compliant Amendment	2	<input type="checkbox"/>	
06-19-2006	Specification	2	<input type="checkbox"/>	
06-19-2006	Informal or Non-Responsive Amendment	1	<input type="checkbox"/>	

06-19-2006	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
06-19-2006	<u>Claim-Amendment Not Entered Applicant</u>	1	<input type="checkbox"/>
06-19-2006	<u>Arguments/Remarks Made in an Amendment</u>	2	<input type="checkbox"/>
06-19-2006	<u>Abstract</u>	1	<input type="checkbox"/>
05-02-2006	<u>Search information including classification, databases and other search related notes</u>	1	<input type="checkbox"/>
05-02-2006	<u>Non-Final Rejection</u>	7	<input type="checkbox"/>
05-02-2006	<u>List of references cited by examiner</u>	1	<input type="checkbox"/>
05-02-2006	<u>List of References cited by applicant and considered by examiner</u>	1	<input type="checkbox"/>
05-02-2006	<u>Index of Claims</u>	1	<input type="checkbox"/>
05-02-2006	<u>Bibliographic Data Sheet</u>	1	<input type="checkbox"/>
04-28-2006	<u>Examiner's search strategy and results</u>	5	<input type="checkbox"/>
09-13-2004	<u>Miscellaneous Internal Document</u>	3	<input type="checkbox"/>
08-19-2004	<u>Oath or Declaration filed</u>	1	<input type="checkbox"/>
08-19-2004	<u>Drawings</u>	1	<input type="checkbox"/>
08-19-2004	<u>Applicant Response to Pre-Exam Formalities Notice</u>	2	<input type="checkbox"/>
08-10-2004	<u>Pre-Exam Formalities Notice</u>	2	<input type="checkbox"/>
06-08-2004	<u>Information Disclosure Statement (IDS) Filed</u>	2	<input type="checkbox"/>
03-19-2004	<u>Transmittal of New Application</u>	1	<input type="checkbox"/>
03-19-2004	<u>Specification</u>	10	<input type="checkbox"/>
03-19-2004	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
03-19-2004	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
03-19-2004	<u>Drawings</u>	1	<input type="checkbox"/>
03-19-2004	<u>Claims</u>	1	<input type="checkbox"/>
03-19-2004	<u>Abstract</u>	1	<input type="checkbox"/>

*If you need help:*

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information Report (PAIR).
- Send general questions about USPTO programs to the USPTO Contact Center.
- If you experience technical difficulties or problems with this application, please contact them via e-mail to Electronic Business Support or call 1 800-786-9199.

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Exhibit 3

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,499	03/19/2004	Keith Cangiarella		7694

7590

Keith Cangiarella  
331 N Harrington Drive  
Fullerton, CA 92831



EXAMINER

PICKETT, JOHN G

ART UNIT PAPER NUMBER

3728

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.





APR 27 2007

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/804499

Examiner

Pickett

Applicant(s)

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 01 November 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 2. Abstract:
- ☒ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Denise Liles

Legal Instruments Examiner (LIE), if applicable

571-272-4364

Telephone No.